

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JUAN DIAZ,

Plaintiff,

v.

C/O CHILDERS, et al.,

Defendants.

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Case No. 3:12-cv-1168-GPM-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

On July 22, 2013, Defendants Shane Childers, Michael Durbin, Harold Schuler, Robert Thornton, and Randy Valdez, filed a Motion for Summary Judgment arguing that Plaintiff failed to exhaust his administrative remedies with respect to the claims against them. Plaintiff has failed to respond to the Motion by the deadline of August 26, 2013. In light of Plaintiff's *pro se* status, the Court extends the deadline for response to **September 30, 2013**. In addition, this matter is **SET** for a *Pavey v. Conley*, 544 F.3d 739 (7th Cir. 2008), hearing on **October 23, 2013 at 1:30 p.m.** before the undersigned Judge. Defendants shall appear in person (by counsel) and Plaintiff shall appear by video-conference. Plaintiff is nonetheless **WARNED** that the failure to respond to the Motion for Summary Judgment **SHALL** result in a cancellation of the hearing and a Report and Recommendation on the disposition of the Motion that may recommend that judgment be granted in favor of Defendants.

In response to an Order directing Plaintiff to identify Defendants Arnez, Davies, and Clark (Doc. 32), Plaintiff has provided a physical description of "Arnez:" a Lieutenant who works at Big Muddy River, weighing 250 pounds, 5 foot, 7 inches tall, with black hair, moustache, and eyes (he wears thin, silver, wire-rimmed glasses), and "always" wears an IDOC baseball cap (Doc. 33).

Based on this description, and keeping in mind the relevant time period, February to March, 2012, Defendant's counsel shall contact the litigation coordinator at Big Muddy River Correctional Center in an attempt to ascertain the name of the individual so described. Defense counsel shall provide a report to the Court by **September 30, 2013**, and indicate whether such a person exists and where he is located for service of process.

**IT IS SO ORDERED.**

**DATED: September 12, 2013**

**DONALD G. WILKERSON**  
**United States Magistrate Judge**